

Marc J. Randazza (California Bar No. 269535)
Jason A. Fischer (California Bar No. 275469)
RANDAZZA LEGAL GROUP
mjr@Randazza.com
jaf@Randazza.com
6525 W. Warm Springs Road, Suite 100
Las Vegas, NV 89118
Telephone: 888-667-1113
Facsimile: 305-437-7662
www.Randazza.com

Attorneys for Defendant,
Weican Null Meng

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ZHANG ZIYI, an individual,

Plaintiff,

vs.

CHINA FREE PRESS, INC., a North
Carolina non-profit corporation doing
business as BOXUN NEWS; WEICAN
NULL MENG, an individual known as
WATSON MENG and also WEICAN
“WATSON” MENG; DOES 1-25,
inclusive,

Defendants.

Case No. CV12-5216-DMG (PLAX)

**DECLARATION OF WEICAN
“WATSON” NULL MENG IN
SUPPORT OF DEFENDANT’S
MOTION TO DISMISS FOR
LACK OF PERSONAL
JURISDICTION**

I, Weican “Watson” Null Meng, declare under penalty of perjury pursuant to
the laws of the United States that the following are true:

1. I have personal knowledge of the facts set forth below, and I am
competent to testify regarding these facts and statements. I declare that all
statements made herein of my own knowledge are true.

1 2. I am a resident of the State of North Carolina.

2 3. I am the administrator of Boxun News, located at <boxun.com>, an
3 independent online news site dedicated to publishing stories and information about
4 political and human rights issues with the Chinese government. Boxun's principal
5 place of business is also in the state of North Carolina.
6

7 4. Boxun's servers, which contain the data displayed on the website, are
8 leased from a Texas-based company. As seen in Exhibit A, a true and correct copy
9 of a report I created on August 14, 2012 to find the location of Boxun's servers
10 using <Domaintools.com>, Boxun's Rackspace-leased servers are physically
11 located in the District of Columbia.
12

13 5. Boxun is an independent website that receives its operating expenses
14 from grants and private donations; Boxun does not solicit for donations on the
15 website, nor does it provide a means for contributing donations to Boxun on the
16 website.
17

18 6. Neither I nor Boxun have a physical presence in California. Boxun is
19 not registered to do business in California; it further does not have an office, any
20 employees, nor a designated agent for service of process in California. Boxun does
21 not perform an services, does not service or maintain any equipment, is not hosted,
22 and does not keep any records in California. The intended audience for the site are
23 Chinese readers living in China and abroad or those interested in Chinese politics.
24

25 7. I have installed Google Analytics to track Boxun's incoming traffic
26 from numerous countries cities from July 1 through August 14, 2012. I prepared a
27 report of this traffic on August 14, 2012, a true and correct copy of which is found
28

1 on Exhibit B.

2 8. As seen on Exhibit B, the city sending the most traffic to Boxun is
3 Hong Kong, with more than 81,000 visits; the largest city in the United States
4 sending visitors to Boxun is New York, which sent 22,953 visitors to Boxun –
5 nearly just a quarter of the visits received from Hong Kong.
6

7 9. Not a single city from California is represented on this list.

8 10. The tenth largest city in terms of visitors to Boxun was Nei-Hu, which
9 sent only 11,234 visitors to the site. Cities that are not listed in Exhibit B therefore
10 sent fewer than 11,234 visitors to Boxun – less than between one-seventh and one-
11 eighth of the visitors accessing Boxun from Hong Kong.
12

13 11. Boxun is an independent news website, which has the primary purpose
14 of disseminating political and human rights news involving the Chinese
15 government to people in China and internationally.
16

17 12. The Boxun website can be viewed completely free of charge to people
18 located anywhere in the world, and is not directed to any specific nation or state.

19 13. The Boxun website does not sell or display any advertising, and has
20 not for at least four years; it does not sell any products to any people in any
21 jurisdiction, nor solicit any economic benefit from visitors. The Boxun website
22 does not have a commercial relationship with California or any other state, and has
23 not had any such relationship with California for at least the last five years.
24

25 14. No content on the Boxun website, design of the website, or any other
26 aspect of its operation or appearance has in any way been used to direct the site
27 into the state of California.
28

1 15. Similarly, I have never advertised the Boxun website's existence in
2 California or any other state.

3 16. Boxun is available to all users of the Internet equally, among every
4 state in the United States and across the globe. In my experience running the
5 Boxun site, viewers find the website through word-of-mouth and search engine
6 results for information about China, as I do not and never had advertised the site's
7 existence.
8

9 17. The articles in question were published in May and June 2012. The
10 information was acquired from reliable sources who have consistently provided the
11 site with truthful material for several years.
12

13 18. These articles are particularly important as part of Boxun's ongoing
14 investigation of Bo Xilai, a prominent Chinese politician who has fallen into
15 considerable scandal.
16

17 19. Mr. Bo's involvement with Plaintiff, as reported by Boxun's sources,
18 was part of this scandal coverage, and not specifically directed at Plaintiff herself.
19

20 20. Based on information I received from Boxun sources, Plaintiff was a
21 resident and citizen of China, and the events described by Boxun sources occurred
22 within China.

23 21. To my knowledge, based on what I was told by Boxun informants, the
24 events they discussed concerning Plaintiffs did not happen in California or even
25 the United States, and did not affect the state of California in any way.
26

27 22. In my experience reporting on China, Plaintiff is a well-known actress
28 within that country, as well as a citizen and resident of it.

23. It is common practice for our site to keep sources anonymous, as their safety may be in jeopardy given the nature of the information they provide, and the current political climate in China.

24. Additionally, due to the nature of the news Boxun and its reporters investigate, Boxun's journalists have been arrested and imprisoned by the Chinese government.¹

25. Another Boxun reporter, Li Changqing, was arrested and sentenced to three years in prison for allegedly fabricating "alarmist information" on the Internet. The international journalists' group Reporters Without Borders condemned this action by the Chinese government.²

26. In light of these incidents and others like them, it has become Boxun's practice to maintain the strictest confidentiality of its sources – particularly those that are reliable – because their identification has demonstrably jeopardized their liberty and potentially even their safety.

27. Neither I nor Boxun have received any sort of monetary or commercial gain for the articles, whether through sale, licensing, advertising or any other avenue.

28. Neither I nor Boxun have any contacts with California, and we would

¹ *Boxun News Contributor Sun Lin Sentenced to Four Years in Prison*, World Association of Newspapers and News Publishers (Apr. 7, 2008), <http://www.wan-press.org/china/articles.php?id=374> (last accessed Aug. 14, 2012).

² *Appeal Court Upholds Cyber-Dissident Li Changqin's Three-Year Sentence*, Reporters Without Borders (June 23, 2006), http://ar.rsf.org/article.php3?id_article=16221 (last accessed Aug. 14, 2012).

1 suffer sever hardship in terms of cost and asymmetries of information if forced to
2 defend a lawsuit in the Central District of California.

3 29. All of the evidence to be used in this case, including testimony, is
4 located in the state of North Carolina; thus, I would incur significant costs to
5 produce the evidence at trial. It would be plainly unfair for me to be called on to
6 defend myself in a forum in which I have no contacts and in which I did not
7 anticipate causing injury.
8

9
10 I declare under penalty of perjury that the foregoing is true and correct to the
11 best of my knowledge.
12

13
14 EXECUTED this August 14, 2012 in Durham, North Carolina
15

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18 

19 Weican "Watson" Meng
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